HEWLETT-PACKARD COMPANY
Intellectual Property Administration
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PATENT APPLICATION

ATTORNEY DOCKET NO. 10008080-1

Inventor(s): Travis J. Parry

Application No.: 09/990,005

Filing Date: November 21, 2001

Confirmation No.: 2440

Examiner: Kamal B. Divecha

Group Art Unit: 2151

Title: IMAGING DEVICE CONFIGURATION AND UPGRADE

Mail Stop Appeal Brief - Patents
Commissioner For Patents
PO Box 1450
Alexandria, VA 22313-1450

TRANSMITTAL LETTER FOR RESPONSE/AMENDMENT

Transmitted herewith is/are the following in the above-identified application:

- ☐ Response/Amendment
- ☐ New fee as calculated below
- ☐ No additional fee
- ☒ Other Amended Appeal Brief; Communication Re: Non-Compliant Appeal Brief

- ☐ Petition to extend time to respond
- ☐ Supplemental Declaration

Fee$

CLAIMS AS AMENDED BY OTHER THAN A SMALL ENTITY						
(1) FOR	(2) CLAIMS REMAINING AFTER AMENDMENT	(3) NUMBER EXTRA	(4) HIGHEST NUMBER PREVIOUSLY PAID FOR	(5) PRESENT EXTRA	(6) RATE	(7) ADDITIONAL FEES
TOTAL CLAIMS		MINUS		= 0	X $52	$ 0
INDEP. CLAIMS		MINUS		= 0	X $210	$ 0
☐ FIRST PRESENTATION OF A MULTIPLE DEPENDENT CLAIM					+ $370	$ 0
EXTENSION FEE	☐ 1st Month $120	☐ 2nd Month $460	☐ 3rd Month $1050	☐ 4th Month $1640		$ 0
					OTHER FEES	$
					TOTAL ADDITIONAL FEE FOR THIS AMENDMENT	$ 0

Charge $ 0 to Deposit Account 08-2025. At any time during the pendency of this application, please charge any fees required or credit any over payment to Deposit Account 08-2025 pursuant to 37 CFR 1.25. Additionally charge any fees to Deposit Account 08-2025 under 37 CFR 1.16 through 1.21 inclusive, and any other sections in Title 37 of the Code of Federal Regulations that may regulate fees. A duplicate copy of this sheet is enclosed.

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Respectfully submitted,

Travis J. Parry

By

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First Named Inventor	Travis J. Parry	COMMUNICATION REGARDING NON-COMPLIANT APPEAL BRIEF
Serial No.	09/990,005	
Filing Date	November 21, 2001	
Group Art Unit	2151	
Examiner Name	Kamal B. Divecha	
Confirmation No.	2440	
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Title: IMAGING DEVICE CONFIGURATION AND UPGRADE		

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In response to the Notification of Non-Compliant Appeal Brief mailed July 2, 2007, please accept and replace the amended submission with the attached "Amended Appeal Brief," which is submitted herewith.

Please contact the undersigned attorney at direct dial 612-312-2207 if you have any questions.

Respectfully submitted,

Date: 7/16/07

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First Named Inventor	Travis J. Parry	**AMENDED APPEAL BRIEF**
Serial No.	09/990,005	
Filing Date	November 21, 2001	
Group Art Unit	2151	
Examiner Name	Kamal B. Divecha	
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AMENDED APPEAL BRIEF

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I. Introduction

Appellant filed a Notice of Appeal to the Board of Patent Appeals and Interferences on November 21, 2006. One copy of this Appeal Brief is hereby filed, in accordance with 37 C.F.R. § 41.37(a)(1), and is accompanied by an authorization to charge Appellant's deposit account for the fee in the amount of $500.00 as required under 37 C.F.R. § 41.20(b)(2).

II. Real Party in Interest

The present application has been assigned to Hewlett-Packard Development Company, L.P., a Texas Limited Partnership having its principal place of business at 20555 SH 249, Houston, TX 77070 (hereinafter "HPDC"), in an assignment recorded on September 30, 2003, at Reel 014061, Frame 0492. HPDC is a Texas limited partnership and is a wholly-owned affiliate of Hewlett-Packard Company, a Delaware Corporation, headquartered in Palo Alto, CA. The general or managing partner of HPDC is HPQ Holdings, LLC.

III. Related Appeals and Interferences

There are no other appeals or interferences known to Appellant that will have a bearing on the Board's decision in the present Appeal.

IV. Status of Claims

Claims 1-22 are pending in the application. Claims 1, 11, 15 and 20 are the subject of this Appeal. Remaining dependent claims are not separately argued under the provisions of 37 CFR 41.37(c)(1)(vii).

In the Final Office Action mailed September 18, 2006, claims 1-22 and the Specification were rejected under 35 U.S.C. § 112, first paragraph, as failing to adequately teach how to make and use the invention, i.e., failing to provide an enabling disclosure. Claims 11-13, 15-16, and 19-22 were rejected under 35 U.S.C. § 102(e) as being anticipated by Schlonski et al. (U.S. Published Application No. 2002/0196451 A1). Claims 1-4 and 8 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Schlonski et al. in view of Carcerano et al. (U.S. Patent No. 6,308,205 B1). Claim 7 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Schlonski et al. in view of Carcerano et al., and further in view of Mathieson (U.S. Published Application No. 2002/0143915 A1). Claims 5-6 and 9-10 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Schlonski et al. in view of Carcerano et al., and further in view of Hawes (U.S. Patent No. 6,026,436). Claims 17-18 were rejected under 35 U.S.C. § 103(a) as being obvious over Schlonski et al. in view of Hawes. Claim 14 was rejected under 35 U.S.C. § 103(a) as being obvious over Schlonski et al. in view of Mixer Jr. (U.S. Patent No. 6,693,722 B1).

See Appendix A for claims 1-22 involved in this Appeal.

V. Status of Amendments

All amendments to the claims have not been entered. In particular, the proposed amendments to claims 1, 3, 8-11, 15 and 21 submitted in Applicant's Response of October 18, 2006 to the Final Office Action mailed September 18, 2006 were not entered. The proposed amendments that were not entered were directed towards clarifying the claims to indicate that a configuration change was being communicated from a browser across a network to a management facility on a first imaging device and that configuration change of the first imaging device was being communicated from the first imaging device to at least one other imaging device selected from the list of other imaging devices stored on the first imaging device. In addition, the imaging devices were being limited to being adapted to internally print one or more pages of a job on paper.

VI. Summary of Claimed Subject Matter

The Present Application and claims are directed to methods and apparatus for communicating a configuration change (*See,* Page 7, Lines 9-17; Page 7, Line 29 to Page 8, Line 18; Page 12, Lines 15-23; Page 13, Lines 13-20; Page 14, Lines 4-9; Page 9, Lines 20-29; Page 8, Line 28 to Page 9, Line 4 of the Specification of the Present Application) across a network 206, 210, 306, 310, 356, 360, 402, 404, 406 to a management facility (*See,* Page 1, Line 15 to Page 2, Line 4; Page 3, Lines 9-14; Page 4, Line 28 to Page 5, Line 7 of the Specification of the Present Application) resident on a first imaging device 200, 300, 350, 410, 416, (*See,* Page 1, Lines 9-11; Page 5, Lines 3-5; Page 3, Line 24 to Page 4, Line 7; Page 4, Line 28 to Page 5, Line 7; Page 9, Lines 13-29; Page 9, Line 30 to Page 10, Line 12 of the Specification of the Present Application) wherein the management facility is accessible through a network interface and an embedded webserver 202, 302, 352 (*See,* Page 5, Lines 5-26; Page 6, Line 24 to Page 7, Line 8; Page 9, Lines 15-16; Page 19, Line 20 to Page 10, Line 12; Page 12, Lines 21-23 of the Specification of the Present Application) of the first imaging device and displayed on a browser 204, 304, 354, 408 (*See,* Page 6, Lines 5-24; Page 9, Lines 13-23; Page 9, Line 30 to Page 10, Line 8; Page 12, Lines 15-23; Page 13, Lines 13-18 of the Specification of the Present Application). The management facility of the Present Application allows the Administrator to configure (*See,* Page 7, Line 9 to Page 9, Line 12; Page 9, Line 20 to Page 10, Line 12; Page 12, Lines 15-23; Page 13, Lines 5-20; Page 14, Lines 4-9 of the Specification of the Present Application) the first imaging device 200, 300, 350, 410, 416 by communicating the configuration change to the management facility on the first imaging device 200, 300, 350, 410, 416. In addition, the management facility of the Present Application allows the Administrator to select at least one other imaging device 412, 414, 418 from a list (*See,* Page 11, Lines 6-20; Page 12, Lines 23-28; Page 14, Lines 12-18 of the Specification of the Present Application) of other imaging devices stored on the first imaging device 200, 300, 350, 410, 416 and communicate or clone the configuration change, directly or indirectly, (*See,* Page 10, Line 13 to Page 13, Line 28; Page 14, Lines 12-18 of the Specification of the Present

Application) from the first imaging device 200, 300, 350, 410, 416 to the at least one other imaging devices 412, 414, 418 selected from the list of other imaging devices.

By incorporating an embedded webserver (*See,* Page 5, Lines 5-26; Page 6, Line 24 to Page 7, Line 8; Page 9, Lines 15-16; Page 19, Line 20 to Page 10, Line 12; Page 12, Lines 21-23 of the Specification of the Present Application) that utilizes hypertext transfer protocol (HTTP) (*See,* Page 5, Line 27 to Page 6, Line 4 of the Specification of the Present Application) to communicate with the coupled network, imaging devices of embodiments of the present invention (*See,* Page 3, Line 24 to Page 4, Line 7; Page 4, Line 28 to Page 5, Line 7; Page 9, Lines 13-29; Page 9, Line 30 to Page 10, Line 12 of the Specification of the Present Application) allow themselves and associated imaging devices stored on their internal list of other similar imaging devices (*See,* Page 11, Lines 6-20; Page 12, Lines 23-28; Page 14, Lines 12-18 of the Specification of the Present Application) to be configured over a network with a common non-device specific interface and protocol, without requiring the installation of one or more special purpose management facility or the concomitant configuration, training and support to maintain all the differing classes and types of imaging devices on their network (*See,* Page 4, Line 28 to Page 5, Line 21 of the Specification of the Present Application). In addition, most network features, such as firewalls or routers, route or will not interfere with HTTP protocol (*See,* Page 10, Lines 25-30; Page 13, Lines 13-28; Page 1, Lines 21-24; Page 14, Lines 9-11 of the Specification of the Present Application). This allows all of the imaging devices to be communicated with or managed with a minimum of issues, even at remote sites. The common HTTP interface and protocol also allow a single specific device, class of device, grouping of imaging devices or even imaging devices of a specific manufacturer to be managed or communicated to either singly or as a group (*See,* Page 2, Lines 16-21; Page 5, Lines 13-15 of the Specification of the Present Application). Imaging device embodiments of the present invention can also act as "interpreters", translating commands from the administrator received via HTTP with their embedded webservers to a different printer communication protocol that is spoken by other imaging devices on the network that may not be as capable, allowing it to integrate and simplify the overall imaging device management through one interface or, alternatively, to act as a

local image device management bridge to enable management of these other non-http capable imaging devices behind firewalls and routers that would block the other protocols (*See,* Page 5, Lines 15-20; Page 10, Line 31 to Page 11, Line 5; Page 13, Lines 13-28 of the Specification of the Present Application). Elements pertinent to the issues on appeal are shown throughout the specification and in particular in paragraphs 0002-0004, 0007-0008, and 0019-0045 with reference to Figures 1, 2, 3A, 3B and 4.

The subject matter defined in the claims involved in this Appeal includes the subject matter of independent claims 1, 11, 15 and 21.

In claim 1, the subject matter defined in the claim of this Appeal includes an imaging device 200, 300, 350, 410, 416 (*See,* Page 1, Lines 9-11; Page 5, Lines 3-5; Page 3, Line 24 to Page 4, Line 7; Page 4, Line 28 to Page 5, Line 7; Page 9, Lines 13-29; Page 9, Line 30 to Page 10, Line 12 of the Specification of the Present Application). The imaging device 200, 300, 350, 410, 416 includes a processor 103 (*See,* Page 2, Line 30 to Page 3, Line 8) adapted for communication with a network 206, 210, 306, 310, 356, 360, 402, 404, 406 using an embedded webserver 202, 302, 352 (*See,* Page 5, Lines 5-26; Page 6, Line 24 to Page 7, Line 8; Page 9, Lines 15-16; Page 19, Line 20 to Page 10, Line 12; Page 12, Lines 21-23 of the Specification of the Present Application), and a computer-usable media 105 (*See,* Page 2, Line 30 to Page 3, Line 8) coupled to the processor 103. The processor 103 is adapted to store a configuration (*See,* Page 2, Lines 15-21; Page 7, Line 9 to Page 9, Line 12 of the Specification of the Present Invention) for the imaging device 200, 300, 350, 410, 416 on the computer-usable media 105, where the configuration is input by commands received across the network 206, 210, 306, 310, 356, 360, 402, 404, 406 from a web browser 204, 304, 354, 408 (*See,* Page 6, Lines 5-24; Page 9, Lines 13-23; Page 9, Line 30 to Page 10, Line 8; Page 12, Lines 15-23; Page 13, Lines 13-18 of the Specification of the Present Application) to a management facility (*See,* Page 1, Line 15 to Page 2, Line 4; Page 3, Lines 9-14; Page 4, Line 28 to Page 5, Line 7 of the Specification of the Present Application) resident on the imaging device 200, 300, 350, 410, 416, such that the management facility is accessible from the network 206, 210, 306, 310, 356, 360, 402, 404, 406 through the embedded webserver 202, 302, 352 (*See,*

Page 5, Lines 5-26; Page 6, Line 24 to Page 7, Line 8; Page 9, Lines 15-16; Page 19, Line 20 to Page 10, Line 12; Page 12, Lines 21-23 of the Specification of the Present Application). And where the processor 103 is adapted to store a list (*See,* Page 11, Lines 6-20; Page 12, Lines 23-28; Page 14, Lines 12-18 of the Specification of the Present Application) of other imaging devices 412, 414, 418 on the network 206, 210, 306, 310, 356, 360, 402, 404, 406 on the computer-usable media 105, and is adapted to transmit the configuration (*See,* Page 10, Line 13 to Page 13, Line 28; Page 14, Lines 12-18 of the Specification of the Present Application) to a network address of at least one of the other imaging devices 412, 414, 418 of the stored list.

In independent claim 11, the subject matter defined in the claim of this Appeal further includes a method of configuring a plurality of imaging devices 200, 300, 350, 410, 416, 412, 414, 418 (*See,* Page 10, Line 13 to Page 13, Line 28; Page 14, Lines 12-18; Page 7, Line 9 to Page 9, Line 12; Page 9, Line 20 to Page 10, Line 12; Page 12, Lines 15-23; Page 13, Lines 5-20; Page 14, Lines 4-9 of the Specification of the Present Application) coupled to a network 206, 210, 306, 310, 356, 360, 402, 404, 406. The methods include communicating a configuration change from a browser 204, 304, 354, 408 (*See,* Page 6, Lines 5-24; Page 9, Lines 13-23; Page 9, Line 30 to Page 10, Line 8; Page 12, Lines 15-23; Page 13, Lines 13-18 of the Specification of the Present Application) across a network 206, 210, 306, 310, 356, 360, 402, 404, 406 to a management facility (*See,* Page 1, Line 15 to Page 2, Line 4; Page 3, Lines 9-14; Page 4, Line 28 to Page 5, Line 7 of the Specification of the Present Application) on a first imaging device 200, 300, 350, 410, 416 that is accessible through a network interface and an embedded webserver 202, 302, 352 (*See,* Page 5, Lines 5-26; Page 6, Line 24 to Page 7, Line 8; Page 9, Lines 15-16; Page 19, Line 20 to Page 10, Line 12; Page 12, Lines 21-23 of the Specification of the Present Application) of the first imaging device 200, 300, 350, 410, 416; selecting at least one other imaging device 412, 414, 418 from a list of other imaging devices (*See,* Page 11, Lines 6-20; Page 12, Lines 23-28; Page 14, Lines 12-18 of the Specification of the Present Application) stored on the first imaging device by communicating across the network 206, 210, 306, 310, 356, 360, 402, 404, 406 from the browser 204, 304, 354, 408 to the management facility of the first imaging device

200, 300, 350, 410, 416; and communicating the configuration change from the first imaging device 200, 300, 350, 410, 416 to the at least one other imaging device 412, 414, 418 selected from the list of other imaging devices stored on the first imaging device 200, 300, 350, 410, 416 (*See,* Page 10, Line 13 to Page 13, Line 28; Page 14, Lines 12-18 of the Specification of the Present Application).

In independent claim 15, the subject matter defined in the claim of this Appeal further includes a method of communicating a configuration change by surfing across a network 206, 210, 306, 310, 356, 360, 402, 404, 406 with a web browser 204, 304, 354, 408 to a management facility accessible through an embedded webserver 202, 302, 352 of a first imaging device 200, 300, 350, 410, 416; processing the configuration change (*See,* Page 7, Line 9 to Page 9, Line 12; Page 9, Line 20 to Page 10, Line 12; Page 12, Lines 15-23; Page 13, Lines 5-20; Page 14, Lines 4-9 of the Specification of the Present Application) on the first imaging device 200, 300, 350, 410, 416, thereby generating a configuration on the first imaging device 200, 300, 350, 410, 416; and configuring one or more other imaging devices 412, 414, 418 from the management facility of the first imaging device 200, 300, 350, 410, 416 in response to the configuration change of the first imaging device 200, 300, 350, 410, 416, (*See,* Page 10, Line 13 to Page 13, Line 28; Page 14, Lines 12-18 of the Specification of the Present Application) wherein the one or more other imaging devices 412, 414, 418 are selected from a list (*See,* Page 11, Lines 6-20; Page 12, Lines 23-28; Page 14, Lines 12-18 of the Specification of the Present Application) stored on the first imaging device 200, 300, 350, 410, 416.

In independent claim 21, the subject matter defined in the claims of this Appeal still further includes a computer-usable medium 105 (*See,* Page 2, Line 30 to Page 3, Line 8) having computer readable instructions stored thereon. The instructions are capable of causing a processor 103 (*See,* Page 2, Line 30 to Page 3, Line 8) to perform a method including processing a configuration change (*See,* Page 7, Line 9 to Page 9, Line 12; Page 9, Line 20 to Page 10, Line 12; Page 12, Lines 15-23; Page 13, Lines 5-20; Page 14, Lines 4-9 of the Specification of the Present Application) on a first imaging device 200, 300, 350, 410, 416, wherein the configuration change is received across a network 206,

210, 306, 310, 356, 360, 402, 404, 406 via a management facility (*See,* Page 1, Line 15 to Page 2, Line 4; Page 3, Lines 9-14; Page 4, Line 28 to Page 5, Line 7 of the Specification of the Present Application) accessible through an embedded webserver 202, 302, 352 (*See,* Page 5, Lines 5-26; Page 6, Line 24 to Page 7, Line 8; Page 9, Lines 15-16; Page 19, Line 20 to Page 10, Line 12; Page 12, Lines 21-23 of the Specification of the Present Application) of the first imaging device 200, 300, 350, 410, 416; referring to a list of other imaging devices 412, 414, 418 on the network (*See,* Page 11, Lines 6-20; Page 12, Lines 23-28; Page 14, Lines 12-18 of the Specification of the Present Application) stored in the first imaging device 200, 300, 350, 410, 416; and configuring at least one imaging device 412, 414, 418 (*See,* Page 10, Line 13 to Page 13, Line 28; Page 14, Lines 12-18 of the Specification of the Present Application) selected from the list via the management facility of the first imaging device 200, 300, 350, 410, 416 in response to the configuration change of the first imaging device 200, 300, 350, 410, 416.

VII. Grounds of Rejection to be Reviewed on Appeal

- Whether claims 1-22 are unpatentable under 35 U.S.C. § 112, first paragraph, for failing to adequately teach how to make and use the invention, i.e., for the specification and claims failing to provide an enabling disclosure.

- Whether claims 11-13, 15-16, and 19-22 are unpatentable under 35 U.S.C. § 102(e) as being anticipated by Schlonski et al. (U.S. Published Application No. 2002/0196451 A1).

- Whether claims 1-4 and 8 are unpatentable under 35 U.S.C. § 103(a) over Schlonski et al. in view of Carcerano et al. (U.S. Patent No. 6,308,205 B1).

- Whether claim 7 is unpatentable under 35 U.S.C. § 103(a) over Schlonski et al. in view of Carcerano et al., and further in view of Mathieson (U.S. Published Application No. 2002/0143915 A1).

- Whether claims 5-6 and 9-10 are unpatentable under 35 U.S.C. § 103(a) over Schlonski et al. in view of Carcerano et al., and further in view of Hawes (U.S. Patent No. 6,026,436).

- Whether claims 17-18 are unpatentable under 35 U.S.C. § 103(a) over Schlonski et al. in view of Hawes.

- Whether claim 14 is unpatentable under 35 U.S.C. § 103(a) over Schlonski et al. in view of Mixer Jr. (U.S. Patent No. 6,693,722 B1).

VIII. Argument

A. Applicable Authorities

35 U.S.C. § 112, 1st Paragraph

35 U.S.C. §112, 1st Paragraph provides in relevant part:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same, and shall set forth the best mode contemplated by the inventor of carrying out his invention.

The written description requirement is separate and distinct from the enablement requirement. *In re Barker*, 559 F.2d 588, 194 USPQ 470 (CCPA 1977), *cert. denied*, 434 U.S. 1064 (1978); *Vas-Cath, Inc. v. Mahurkar*, 935 F.2d 1555, 1562, 19 USPQ2d 1111, 1115 (Fed. Cir. 1991) (While acknowledging that some of its cases concerning the written description requirement and the enablement requirement are confusing, the Federal Circuit reaffirmed that under 35 U.S.C. §112, first paragraph, the written description requirement is separate and distinct from the enablement requirement and gave an example thereof.). An invention may be described without the disclosure being enabling (e.g., a chemical compound for which there is no disclosed or apparent method of making), and a disclosure could be enabling without describing the invention (e.g., a

specification describing a method of making and using a paint composition made of functionally defined ingredients within broad ranges would be enabling for formulations falling within the description but would not describe any specific formulation). See *In re Armbruster*, 512 F.2d 676, 677, 185 USPQ 152, 153 (CCPA 1975) ("[A] specification which 'describes' does not necessarily also 'enable' one skilled in the art to make or use the claimed invention."). Best mode is a separate and distinct requirement from the enablement requirement. *In re Newton*, 414 F.2d 1400, 163 USPQ 34 (CCPA 1969).

The Examiner has the burden under 35 U.S.C. §112, 1st Paragraph, with regard to proving the inadequacy of the written description. As stated in MPEP §2163.04, "[a] description as filed is presumed to be adequate, unless or until sufficient evidence or reasoning to the contrary has been presented by the examiner to rebut the presumption. See, e.g., *In re Marzocchi*, 439 F.2d 220, 224, 169 USPQ 367, 370 (CCPA 1971). The examiner, therefore, must have a reasonable basis to challenge the adequacy of the written description. The examiner has the initial burden of presenting by a preponderance of evidence why a person skilled in the art would not recognize in an applicant's disclosure a description of the invention defined by the claims. *Wertheim*, 541 F.2d at 263, 191 USPQ at 97." (*See also*, MPEP §2163 (III)(A) and MPEP §2164.04). As also stated in MPEP §2164.01, "[t]he test of enablement is whether one reasonably skilled in the art could make or use the invention from the disclosures in the patent coupled with information known in the art without undue experimentation," and, "[a] patent need not teach, and preferably omits, what is well known in the art." As further stated in MPEP §2164.05, "[o]nce the examiner has weighed all the evidence and established a reasonable basis to question the enablement provided for the claimed invention, the burden falls on applicant to present persuasive arguments, supported by suitable proofs where necessary, that one skilled in the art would be able to make and use the claimed invention using the application as a guide," and that "[t]he evidence provided by applicant need not be conclusive but merely convincing to one skilled in the art." *See also,* MPEP §2163.04, §2164, §2164.01, §2164.04, §2164.05, and § 706.03(c).

Definition of Claim Terms

Where an explicit definition is provided by the applicant for a term, that definition will control interpretation of the term as it is used in the claim. Toro Co. v. White Consolidated Industries Inc., 199 F.3d 1295, 1301, 53 USPQ2d 1065, 1069 (Fed. Cir. 1999)). In addition, as stated in MPEP §2111.01, "the words of the claim must be given their plain meaning unless applicant has provided a clear definition in the specification," and that "[a]n applicant is entitled to be his or her own lexicographer and may rebut the presumption that claim terms are to be given their ordinary and customary meaning by clearly setting forth a definition of the term that is different from its ordinary and customary meaning(s)." *See*, MPEP §2173.01 and §2111.

Examiner's reading of Claim Terms

During examination, the Examiner is required by MPEP §904.01 to give the claims "the broadest reasonable interpretation consistent with the specification." However, as stated in MPEP §2111, "[t]he broadest reasonable interpretation of the claims must also be consistent with the interpretation that those skilled in the art would reach."

35 U.S.C. § 102

35 U.S.C.§102(e) provides in relevant part:

A person shall be entitled to a patent unless —

> (e) the invention was described in - (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for the purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

"A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed.

Cir. 1987). "The identical invention must be shown in as complete detail as is contained in the . . . claim." *Richardson v. Suzuki Motor Co.* , 868 F.2d 1226, 1236, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989). The elements must be arranged as required by the claim, but this is not an *ipsissimis verbis* test, i.e., identity of terminology is not required. *In re Bond*, 910 F.2d 831, 15 USPQ2d 1566 (Fed. Cir. 1990).

35 U.S.C. § 103

35 U.S.C.§103(a) provides in relevant part:

> Conditions for patentability; non-obvious subject matter.
>
> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

"The ultimate determination ... whether an invention is or is not obvious is a legal conclusion based on underlying factual inquiries including: (1) the scope and content of the prior art; (2) the level of ordinary skill in the prior art; (3) the differences between the claimed invention and the prior art; and (4) objective evidence of nonobviousness." *In re Dembiczak*, 175 F.3d 994, 998, 50 USPQ2d 1614, 1616 (1999) (citing *Graham v. John Deere Co.*, 383 U.S. 1, 17-18, 148 USPQ 459, 467 (1966)).

When applying 35 U.S.C. §103, the claimed invention must be considered as a whole; the references must be considered as a whole and must suggest the desirability and thus the obviousness of making the combination; the references must be viewed without the benefit of impermissible hindsight vision afforded by the claimed invention and a reasonable expectation of success is the standard with which obviousness is

determined. *Hodosh v. Block Drug Co., Inc.*, 786 F.2d 1136, 1143 n.5, 229 USPQ 182, 187 n.5 (Fed. Cir. 1986).

To establish a *prima facie* case of obviousness, three basic criteria must be met: (1) There must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings; (2) There must be a reasonable expectation of success; (3) The prior art references must teach or suggest all the claim limitations. The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art, and not based on appellants' disclosure. *In re Vaeck*, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991).

If the proposed modification or combination of the prior art would change the principle of operation of the prior art invention being modified, then the teachings of the references are not sufficient to render the claims *prima facie* obvious. *See, e.g., In re Ratti*, 270 F.2d 810, 123 USPQ 349 (CCPA 1959) (Claims were directed to an oil seal comprising a bore engaging portion with outwardly biased resilient spring fingers inserted in a resilient sealing member. The primary reference relied upon in a rejection based on a combination of references disclosed an oil seal wherein the bore engaging portion was reinforced by a cylindrical sheet metal casing. Patentee taught the device required rigidity for operation, whereas the claimed invention required resiliency. The court reversed the rejection holding the "suggested combination of references would require a substantial reconstruction and redesign of the elements shown in [the primary reference] as well as a change in the basic principle under which the [primary reference] construction was designed to operate." 270 F.2d at 813, 123 USPQ at 352.).

B. Analysis

(i) Preliminary Remarks

The Final Office Action mailed September 18, 2006 rejected all pending claims. The various rejections for those claims of issue in the Appeal will be discussed in relation

to the corresponding references. However, a fundamental point of difference is that the Examiner is equating a webserver/browser interaction as meaning that the webpages and/or the underling processes that generate the webpage are executing on the browser itself. As such, because of this misinterpretation, the Examiner is maintaining that the management facility is not resident on the imaging device of the present invention and claims, but in the browser of the specification of the present invention (and in the browsers of the cited prior art that is the basis of the rejections). In addition to utilizing this view of browser/webserver interaction to maintain the rejections based on the prior art, the Examiner utilizes this view of browser/webserver interaction to maintain that the first imaging device of the claims (which displays the list of other imaging devices and allows them to be configured) is thus not disclosed or enabled by the specification as being able to be configured itself by the management facility that is resident on it. In the Examiner's view the browser executes on a separate machine (the System Administrator's computer or workstation) and therefore the Examiner contends that it is unclear as how the first imaging device being can be configured itself by the management facility and that the specification has not enabled this.

In another point of difference, the Examiner maintains that the specification of the present invention discloses that an imaging device includes devices such as "printers, projectors, displays, faxes, multi-function copiers, terminals and other such devices." As such, prior art workstations and Administrator's computers having management facilities or programs can be viewed as "terminals" or "displays" and are therefore considered "imaging devices" under this definition. The Examiner thus maintains that the cited references disclose "imaging devices" with embedded management facilities.

In yet another point of difference, the Examiner maintains that Appellant's use of the term "address" the specification in paragraphs [0040] and [0025]-[0027] and a "network address" can be interpreted distinctly. For example, a URL address or a physical or IP address.

In a further point of difference, the Examiner maintains that in interpreting the terms of the specification, claims and prior art, the Examiner is simply giving the broadest reasonable interpretation as required by MPEP §904.01 ("During patent

examination, the claims are given the broadest reasonable interpretation consistent with the specification.").

In response to these fundamental points of difference, Appellant states the following:

In regards to the Examiner's broad reading of the claims and specification, Appellant respectfully agrees and understands that the Examiner must read the claims and specification as broadly as possible, as stated in MPEP §904.01 ("During patent examination, the claims are given the broadest reasonable interpretation consistent with the specification."). However, in this interpretation, as stated by MPEP §2111, this reading must be done to give the pending claims their "broadest *reasonable* interpretation consistent with the specification," and that "[t]he broadest reasonable interpretation of the claims *must also be consistent with the interpretation that those skilled in the art would reach.*" {*Emphasis Added*} In addition, as stated in MPEP §2111.01, "the words of the claim must be given their plain meaning unless applicant has provided a clear definition in the specification," and that "[a]n applicant is entitled to be his or her own lexicographer and may rebut the presumption that claim terms are to be given their ordinary and customary meaning by clearly setting forth a definition of the term that is different from its ordinary and customary meaning(s)." Appellant respectfully contends, as detailed herein, that the Examiner has broadly interpreted the specification and the claims, but has done so in a manner which is not reasonable, are contrary to Appellant's explicit definitions of terms in the specification, and, further, would be contrary to the interpretation that one of ordinary skill in the art would have of the specification and claims. As such, Appellant requests that the Examiner's rejections based on these overly broad interpretations be withdrawn.

In regard to the Examiner's view of browser/webserver interaction, Appellant respectfully maintains that in general webserver/browser architectures, the webserver sends the content of a webpage to a browser in a browser interpretable language, such as HTML or XML, which the browser then renders and displays to the user. Where these webpages are dynamically generated, such as by a management facility program resident on the imaging device or a functional part of the embedded webserver, the webserver

communicates the generated webpage to the browser across the network, the browser then displays the page to the user and allows the user to communicate changes and input data back to the management facility by communicating to it through http input to the webserver. In other words, in a management facility/administrator interaction of embodiments of the present invention, which occur through the imaging device's embedded webserver, the browser is only the user interface and not the management facility itself. Appellant notes that this general browser/webserver interaction and architecture is specifically disclosed in the specification at Paragraphs[0020] and [0022], and as such, was discounted by the Examiner. Appellant further respectfully maintains that this is supported, at least, by Paragraphs [0020]-[0034] and Figures 2, 3A and 3B of the Present Application and that such would also be recognized by one skilled in the art. As such, since the browser is the user interface and not the management facility, which is resident on the imaging device the administrator has surfed to using the browser. In addition, Appellant maintains that this interpretation of webserver/browser interaction is supported, at least, in the Examiner's cited references of Schlonski et al. at paragraph [0027]; Hawes in Figure 4 and Column 8, Line 3 to Column 9, Line 54; and Carcerano et al. in Figure 5-7 and at Column 7, Line 29 to Column 13, Line 30. Appellant therefore respectfully maintains that the first imaging device displaying the list of other imaging devices is disclosed in the Specification as being configured itself by the management facility is supported by the Specification and that this would be interpreted as such by one of ordinary skill in the art, as evidenced by the cited references and the rejections under 35 U.S.C. §112, 1st Paragraph based on this view of browser/webserver interaction must be withdrawn. Appellant also respectfully maintains that the Examiner's utilization of this view of browser/webserver interaction to maintain the rejections based on the prior art, which does not disclose an imaging device or printer with an embedded webserver, is therefore defective and requests that the rejections under 35 U.S.C.§102(e) and 35 U.S.C.§103(a) based on this view of browser/webserver interaction must be withdrawn.

In regards to the Examiner's interpretation of the Appellant's definition of an "imaging device," as stated above, MPEP §2111.01 states that "the words of the claim must be given their plain meaning unless applicant has provided a clear definition in the specification," and that "[a]n applicant is entitled to be his or her own lexicographer and

may rebut the presumption that claim terms are to be given their ordinary and customary meaning by clearly setting forth a definition of the term that is different from its ordinary and customary meaning(s)." Appellant has expressly defined the term "imaging device" to include "printers, multi-function copiers, faxes, digital cameras, digital projectors, terminals, and other such imaging devices." *See, e.g.,* Specification, paragraphs [0002] and [0019] ("For purposes of this disclosure, networked imaging devices include, but are not limited to, printers, multi-function copiers, faxes, digital cameras, digital projectors, terminals, and other such imaging devices.") Appellant, however, respectfully disagrees with the Examiner's assertion that a workstation is an imaging device, noting that the definitions of imaging device of paragraphs [0002] and [0019] of the Specification do not list workstations or desktop computers as imaging devices. In addition, contrary to the Examiner's assertion, Appellant notes that Figure 1 and paragraph [0007] specifically list workstation 114 as separate from the network imaging devices. Appellant also respectfully maintains that such a view also differs from that one of ordinary skill in the art would have. As noted above, where an explicit definition is provided by the applicant for a term, that definition will control interpretation of the term as it is used in the claim. Toro Co. v. White Consolidated Industries Inc., 199 F.3d 1295, 1301, 53 USPQ2d 1065, 1069 (Fed. Cir. 1999)). *See*, MPEP §2173.01 and §2111. Appellant therefore respectfully maintains that the Examiner's assertion that the Appellant's definition of "imaging device" includes workstations and desktop computers cannot be maintained and must be withdrawn.

In regards to the Appellant's use of the term "address" the specification in paragraphs [0040] and [0025]-[0027] and the Examiner's assertion that a "network address" can be interpreted distinctly. Appellant respectfully maintains that addresses of devices on a network are relative to the network protocol and application layer being used for the interaction (e.g., a text-based URL, IP address, MAC ID, etc.). As such, Appellant contends that therefore one of ordinary skill in the art would consider that these differing terms of "network addresses" or "addresses" as generally being used interchangeably. Appellant further contends that one skilled in the art would consider these address types as actually being interchangeable in their use in networked devices as they typically can be translated to the other types of "address" as required. To use the

Examiner's scenario as an example, a URL can be specified as either an IP address number or as text to a network application, such as a browser. A text based URL can be translated to an IP number for use by the application through reference to a Domain Name Server (DNS), which will return the corresponding IP address for a given text URL. Appellant therefore respectfully maintains that the Examiner's assertion that the term "address" as used in the specification in paragraphs [0040] and [0025]-[0027] and a "network address" as being interpreted distinctly has been rebutted by the Appellant, would not be so interpreted by one of ordinary skill in the art. Appellant thus contends that the Examiners interpretation of the terms "address" and "network address" therefore cannot be maintained and must be withdrawn.

(ii) Claim Rejections Under 35 U.S.C. § 112, 1st Paragraph

Claims 1-22 were rejected under 35 U.S.C. §112, 1st Paragraph as not being enabled by the Specification. The Specification was objected to under 35 U.S.C. §112, first paragraph, as failing to adequately teach how to make and use the invention, i.e., failing to provide an enabling disclosure.

Appellant respectfully notes that, with regard to the written description and enablement requirement, a specification is presumed enabled unless specific reasons are given to doubt enablement, and that the burden is on the Examiner to establish a prima facie case of non-enablement under 35 U.S.C. §112, 1st Paragraph. (*See*, MPEP §2163 (III)(A) and §2163.04.) As stated in MPEP §2163.04, "[a] description as filed is presumed to be adequate, unless or until sufficient evidence or reasoning to the contrary has been presented by the examiner to rebut the presumption. See, e.g., *In re Marzocchi*, 439 F.2d 220, 224, 169 USPQ 367, 370 (CCPA 1971). The examiner, therefore, must have a reasonable basis to challenge the adequacy of the written description. The examiner has the initial burden of presenting by a preponderance of evidence why a person skilled in the art would not recognize in an applicant's disclosure a description of the invention defined by the claims. *Wertheim*, 541 F.2d at 263, 191 USPQ at 97." (*See also*, MPEP §2164.04). As also stated in MPEP §2164.01, "[t]he test of enablement is

whether one reasonably skilled in the art could make or use the invention from the disclosures in the patent coupled with information known in the art without undue experimentation," and, "[a] patent need not teach, and preferably omits, what is well known in the art." As further stated in MPEP §2164.05, "[o]nce the examiner has weighed all the evidence and established a reasonable basis to question the enablement provided for the claimed invention, the burden falls on applicant to present persuasive arguments, supported by suitable proofs where necessary, that one skilled in the art would be able to make and use the claimed invention using the application as a guide," and that "[t]he evidence provided by applicant need not be conclusive but merely convincing to one skilled in the art." *See also,* MPEP §2163.04, §2164, §2164.01, §2164.04, §2164.05.

Appellant respectfully contends, as detailed herein, that the Examiner has not established such a prima facie case in regards to the specification and claims and, even if the Examiner has established such a prima facie case, that Appellant has rebutted it. As such, Appellant thus contends that the specification does clearly describe the invention in a way to enable one skilled in the art to make or use the invention and that claims 1-22 are therefore enabled and not indefinite.

In the Office Action mailed on March 9, 2006, and in the Final Office Action mailed on July 18, 2006, the Examiner stated that, "There is no indication whatsoever in the specification of the management program or facility as being resident on the imaging device being configured through the imaging device's embedded webserver. The specification merely describes the process wherein the administrator surfs to the address of the imaging device on the network with a web browser. Once connected to the embedded webserver of the desired imaging device, the administrator can manage it or upgrade its configuration utilizing the embedded webserver (of the imaging device) without requiring a specialized imaging device management facility. The command interface of the imaging device, that comprises the imaging device's management facility, is generated by the embedded webserver and displayed on the administrator's web browser (applicant specification, page 7 [0025]). Further, applicant teaches, 'at the management facility of the embedded webserver the administrator can also modify device information and configuration parameters by the modification and submission of

HTML forms and inputs via the browser to the embedded webserver of the imaging device (specification, page 7 [0027])'. There is no indication in the specification of the fact that the administrator's system is indeed an imaging device with an embedded webserver or management facility and a web browser that would have enabled the self-configuration of the imaging device and/or other functions through the management facility (as argued by the applicant). Applicant's specification simply refers to the administrator and the web browser for conducting the configuration and/or configuration change of the imaging devices through their (imaging device's embedded web server or management facility) embedded webserver (see applicant specification, page 9- 10, [0034-0035], fig. 2-4)." (*See,* Final Office Action mailed on July 18, 2006, Page 8.)

As stated above in the Preliminary Remarks, Appellant respectfully maintains that the Examiner is misreading and misinterpreting the teachings of the Specification of the Present Application and scope and coverage of the claim limitations, and that such would not be the interpretation of one of ordinary skill in the art. In particular, Appellant maintains that the Examiner is misinterpreting the specification's specific disclosure of webserver/browser interaction at Paragraphs [0020] and [0022], and the view that one of ordinary skill in the art would have of webserver/browser interaction, and is equating a webserver/browser interaction as meaning that the webpages and/or the underling processes that generate the webpage are executing on the browser itself. As such, because of this misinterpretation, the Examiner is maintaining that the management facility is not resident on the imaging device of the present invention and claims, but in the browser of the specification of the present invention. In addition, the Examiner utilizes this misinterpretation of browser/webserver interaction to maintain that the first imaging device of the claims (which displays the list of other imaging devices and allows them to be configured) is thus not disclosed or enabled by the specification as being able to be configured itself by the management facility that is resident on it.

As stated above, in regard to the Examiner's view of browser/webserver interaction, Appellant respectfully maintains that in general webserver/browser architectures, the webserver sends the content of a webpage to a browser in a browser interpretable language, such as HTML or XML, which the browser then renders and displays to the user. Where these webpages are dynamically generated, such as by a

management facility program resident on the imaging device or a functional part of the embedded webserver, the webserver communicates the generated webpage to the browser across the network, the browser then displays the page to the user and allows the user to communicate changes and input data back to the management facility by communicating to it through http input to the webserver. In other words, in a management facility/administrator interaction of embodiments of the present invention, which occur through the imaging device's embedded webserver, the browser is only the user interface and not the management facility itself. Appellant further respectfully maintains that this is supported, at least, by Paragraphs [0020]-[0034] and Figures 2, 3A and 3B of the Present Application and that such would also be recognized by one skilled in the art. As such, since the browser is the user interface and not the management facility, which is resident on the imaging device the administrator has surfed to using the browser. In addition, Appellant maintains that this interpretation of webserver/browser interaction is supported, at least, at Paragraphs [0020] and [0022] of the specification and in the Examiner's cited references of Schlonski et al. at paragraph [0027]; Hawes in Figure 4 and Column 8, Line 3 to Column 9, Line 54; and Carcerano et al. in Figure 5-7 and at Column 7, Line 29 to Column 13, Line 30.

Appellant therefore respectfully maintains that the Present Application describes a system that communicates a configuration change across a network to a management facility resident on a first imaging device, wherein the management facility is accessible through a network interface and an embedded webserver of the first imaging device and displayed on a browser. The management facility of the Present Application allows the Administrator to configure the first imaging device by communicating the configuration change to the management facility on the first imaging device. In addition, the management facility of the Present Application allows the Administrator to select at least one other imaging device from a list of other imaging devices stored on the first imaging device and communicate the configuration change from the first imaging device to the at least one other imaging device selected from the list of other imaging devices. Appellant also maintains that such would be recognized by one skilled in the art. (*See*, Paragraphs [0024]-[0025], [0027], [0035]-[0038] and [0041]; and Figures 2-4 of the Present Application.)

Appellant also specifically maintains that the Present Application discloses that the management program or facility as being resident on the first imaging device, and that this is supported, at least, by Paragraphs [0024]-[0034] and Figures 2, 3A and 3B of the Present Application. Appellant notes that Paragraph [0025] states that "The command interface of the imaging device, that comprises the imaging device's management facility, is generated by the embedded webserver and displayed on the administrator's web browser." And that Paragraph [0026] states that "Once at the management facility provided by the imaging device's embedded webserver, the administrator can view, print, or download and save device information, configuration parameters, alerts, usage, statistics, any generated reports, and any generated files utilizing the web browser."

Appellant also specifically maintains that the Present Application discloses that the first imaging device is disclosed as being configured through the management facility resident on the first imaging device via the first imaging device's embedded webserver, and that this is supported, at least, by Paragraphs [0024]-[0034] and Figures 2, 3A and 3B of the Present Application. Appellant notes that Paragraph [0027] states that "At the management facility of the embedded webserver the administrator can also modify device information and configuration parameters by the modification and submission of HTML forms and inputs via the browser to the embedded webserver of the imaging device."

In the Final Office Action mailed on July 18, 2006 on Pages 6-7, the Examiner also specifically maintained that the following limitations of the claims and amendments were not enabled by the Specification of the Present Application:

The Examiner stated that "First, the system that communicates a configuration change across a network to a management facility that is accessible through a network interface and an embedded webserver of a first imaging device, selects at least one other imaging device from a list of' other imaging devices stored on the first imaging device and communicates the configuration change from the imaging device to the at least one other imaging device selected from the list of' other imaging devices stored on the first imaging device and the imaging device displaying the list of other imaging devices as being **configured itself by the management facility** (as argued by the applicant)."

Appellant respectfully maintains that the first imaging device displaying the list of other imaging devices as being configured itself by the management facility is supported, at least, by Paragraphs [0024]-[0034] and Figures 2, 3A and 3B of the Present Application.

The Examiner also stated that "Secondly, the recited limitation '. . .where the configuration is input by commands received across the network by a management facility on the imaging device that is accessible through the embedded webserver.. .'" Appellant respectfully maintains that the configuration being input by commands received across the network from a browser to the management facility presented by the embedded webserver on the imaging device is supported, at least, by Paragraphs [0020], [0024]-[0030] and Figures 2, 3A and 3B of the Present Application.

The Examiner further stated that "Third, the recited limitation '. . .wherein the processor is adapted to transmit the configuration **to a network address of** at least one of the other imaging devices of the stored list. . .'" Appellant respectfully maintains that the recited limitation was amended in claim 1 of the present Response to Final from "network address" to "address" as noted above. Appellant therefore continues to maintain that the imaging device and its processor being adapted to transmit the configuration to a network address of at least one of the other imaging devices of the stored list is supported, at least, by Paragraphs [0040], [0025]-[0027] and the originally filed claim 1 of the Present Application.

The Examiner stated that "Fourth, the recited limitation ". . .wherein the **management facility and embedded webserver..** ." (Please note that the management facility is in form of an embedded webserver)." Appellant disagrees with the Examiner's assertion as detailed above in the response to Examiner's comment [b] and maintains that the management facility is defined as being the embedded webserver in the Specification. Appellant respectfully contends that the Specification states that the management facility is presented by the embedded webserver on the imaging device. Appellant further maintains that one skilled in the art would recognize webservers as serving documents across a network and/or presenting interfaces of programs running on a networked device by communicating the interface via HTTP for remote display on a browser. Appellant notes that, while the code executing on a network device for the webserver and the program it provides interfacing for may be closely integrated, the underlying functions

are separate and distinct; one does not expect to be allowed to configure a generalized website or the underlying servers merely by surfing across a network to the webservers hosting the site. Appellant respectfully maintains that basic webserver function and a separate management facility being presented through the embedded webserver is supported, at least, by Paragraphs [0020]-[0022] and [0025]-[0027] of the Present Application and would be recognized by one skilled in the art as such.

The Examiner also stated that "Fifth, the recited limitation '. . .selecting at least one other imaging device from a list of other imaging devices stored on the first imaging device by communicating across the network to the management facility of the first imaging device across the network.. .'" Appellant respectfully maintains that selecting at least one other imaging device from a list of other imaging devices stored on the first imaging device by commands received across the network from a browser to the management facility presented by the embedded webserver of the first imaging device is supported, at least, by Paragraphs [0024], [0035]-[0045] and Figure 4 of the Present Application.

The Examiner further stated that "Sixth, the recited limitation '. . .communicating a configuration change **by surfing across a network with a web browser to a management facility accessible through** an embedded web server of a first imaging device' and 'configuring one or more other imaging devices **from the management facility of the first imaging device** in response to the configuration change of the first imaging device. . . '" Appellant respectfully maintains that communicating a configuration change by surfing across a network with a web browser to a management facility accessible through an embedded web server of a first imaging device and configuring one or more other imaging devices from the management facility of the first imaging device in response to the configuration change of the first imaging device is supported, at least, by Paragraphs [0024], [0035]-[0045] and Figure 4 of the Present Application.

The Examiner finally stated that "Seventh, the recited limitation '. . .wherein the configuration change is received across a network via a network management facility accessible through an embedded webserver of the first imaging device.. .'" Appellant respectfully maintains that the configuration change being received at the first imaging

device by commands received across the network from a browser to the management facility presented by the embedded webserver of the first imaging device is supported, at least, by Paragraphs [0025] and [0027]-[0028] of the Present Application.

Further, Appellant respectfully maintains that the Examiner's statement is contradictory, first stating that the Specification does not disclose that the management facility is resident on the imaging device and then admitting that it is resident on the imaging device by stating that the Specification "merely" discloses that the Administrator surfs to the imaging device and configures it via the management facility presented by the embedded webserver of the imaging device. *See*, first two Paragraphs of Page 10, Final Office Action mailed July 18, 2006. Therefore, Appellant respectfully maintains that the Examiner has not present a reasoned argument to rebut the presumed validity of the Specification's enablement of claims and admits that the management facility is resident on the imaging device and as such, has not established a prima facie case of lack of written description.

Appellant herein respectfully maintains that the Examiner did not establish a prima facie case that one skilled in the art would not view the Specification as enabling of the scope of what is being claimed. Appellant specifically notes that several of the Examiner's statements are contradictory in nature and that the Examiner admitted that the management facility is resident on the imaging device and configures it. Appellant also maintains that one skilled in the art would recognize that webservers are not the same thing as management facilities or management programs. As such, Appellant respectfully contends that the Examiner has not met his burden of establishing a prima facie case of non-enablement of the disclosed invention and the claimed limitations. In addition, Appellant also respectfully contends that the Examiner's arguments for non-enablement and lack of written description have herein been rebutted by Appellant and that this rebuttal would be convincing to one skilled in the art.

Appellant thus contends that specification does clearly describe the invention in a way to enable one skilled in the art to make or use the invention and that the relevant features of claims 1-22 have been described in the specification to allow one skilled in the art to practice the invention. The Appellant therefore requests that the objection to the specification and claims 1-22 under 35 U.S.C. § 112 be withdrawn in that the

specification does clearly describe the invention in a way to enable one skilled in the art to make or use the invention.

(iii) Claim Rejections Under 35 U.S.C. § 102

Claims 11-13, 15-16 and 19-22 were rejected under 35 U.S.C. § 102(e) as being anticipated by Schlonski et al. (U.S. Published Application No. 2002/0196451 A1). Appellant respectfully traverses this rejection. Appellant reserves the right to swear behind the reference Schlonski et al., but submits that claims 11-13, 15-16, 19-22, are allowable for the following reasons.

Appellant respectfully maintains, as detailed above and in the Preliminary Remarks, that the Present Application describes and claims a system that communicates a configuration change across a network from a web browser to a management facility resident on a first imaging device, wherein the management facility is accessible through a network interface and an embedded webserver of the first imaging device and displayed on the browser. The management facility of the Present Application allows the Administrator to configure the first imaging device by communicating the configuration change to the management facility on the first imaging device. In addition, the management facility of the Present Application allows the Administrator to select at least one other imaging device from a list of other imaging devices stored on the first imaging device and communicate the configuration change from the first imaging device to the at least one other imaging device selected from the list of other imaging devices. Appellant also maintains, as also detailed above, that these features of the Present Application and claims would be recognized as such by one skilled in the art. (*See*, Paragraphs [0024]-[0025], [0027], [0035]-[0038] and [0041]; and Figures 2-4 of the Present Application.)

Also, as stated above in the Preliminary Remarks, in regards to the Examiner's interpretation of the Appellant's definition of an "imaging device," Appellant has expressly defined the term "imaging device" to include "printers, multi-function copiers, faxes, digital cameras, digital projectors, terminals, and other such imaging devices." *See, e.g.,* Specification, paragraphs [0002] and [0019]. Appellant, therefore respectfully disagrees with the Examiner's assertion that a workstation is an imaging device, noting

that the definitions of imaging device of paragraphs [0002] and [0019] of the Specification do not list workstations or desktop computers as imaging devices. In addition, contrary to the Examiner's assertion, Appellant notes that Figure 1 and paragraph [0007] specifically list workstation 114 as separate from the network imaging devices. Appellant also respectfully maintains that such a view also differs from that one of ordinary skill in the art would have. As noted above, where an explicit definition is provided by the applicant for a term, that definition will control interpretation of the term as it is used in the claim. Toro Co. v. White Consolidated Industries Inc., 199 F.3d 1295, 1301, 53 USPQ2d 1065, 1069 (Fed. Cir. 1999)). *See*, MPEP §2173.01 and §2111. Appellant therefore respectfully maintains that the Examiner's assertion that the Appellant's definition of "imaging device" includes workstations and desktop computers cannot be maintained and must be withdrawn.

Appellant also continues to respectfully maintain, as detailed above, that the system disclosed in Schlonski et al. the Administrator directly utilizes a management program on a workstation (the "imaging device" of the Examiner's rejection). Thus, Appellant continues to respectfully maintain that the management program of Schlonski et al. is not disclosed as being resident on the imaging device being configured, such that the Administrator is required to "surf" across a network with a browser to utilize the management program through the imaging device's embedded webserver. In addition, Appellant maintains that in Schlonski et al. the workstation ("imaging device") displaying the list of other imaging devices is also not disclosed as being configured itself by the management facility. *See*, Schlonski et al., Abstract; Figures 2-5; Paragraph 0027, Page 3; Paragraph 0030, Page 3; Paragraph 0032, Page 3; and Paragraph 0035, Page 3.

In response to the Examiner's arguments of Page 3 of the Office Action mailed on March 9, 2006 and the Final Office Action mailed on July 18, 2006, that the amended claims fail "to provide any indication whatsoever that the management program is disclosed as being resident on the imaging device being configured. Also, there is no indication in the amended claims of an imaging device displaying a list of other imaging devices as being **configured itself** by the management facility." The Appellant respectfully maintains, as stated above, that independent claims 1, 11, 15 and 21, do provide an indication that management facility is resident on the first imaging device and

that the resident management facility does configure the imaging device it is resident on. In particular, Appellant notes that claim 1 recites, in part, "[a]n imaging device", "wherein the processor is adapted to store a configuration for the imaging device on the computer-usable media, where the configuration is input by commands received across the network from a web browser to a management facility resident on the imaging device, such that the management facility is accessible from the network through the embedded webserver" clearly indicating that the management facility is resident on the imaging device and configures it. Similarly, claim 11 recites, in part, "communicating a configuration change from a browser across a network to a management facility on a first imaging device"; claim 15 recites, in part, "communicating a configuration change by surfing across a network with a web browser to a management facility accessible through an embedded webserver of a first imaging device; processing the configuration change on the first imaging device, thereby generating a configuration on the first imaging device"; and claim 21 recites, in part, "processing a configuration change on a first imaging device, wherein the configuration change is received across a network via a management facility accessible through an embedded webserver of the first imaging device," and "configuring at least one imaging device selected from the list via the management facility of the first imaging device in response to the configuration change of the first imaging device," clearly indicating that the management facility is resident on the imaging device and that the resident management facility does configure the imaging device it is resident on.

In response to the Examiner's arguments of Pages 3 and 10-11 of the Office Action mailed on March 9, 2006 and the Final Office Action mailed on July 18, 2006, that Schlonski et al. discloses a management program "as being resident on the imaging device being configured, such that the administrator is required to surf' across a network with a browser to utilize the management program through the imaging devices embedded webserver. Figure 4 of Schlonski explicitly indicates a system that surfs across a network with a web browser and utilizes the embedded web server of the imaging devices in order to configure or update the configuration of the imaging device (please note that the management program and the embedded webserver is a single entity because management facility is defined as in a form of the embedded web server as per

applicant, see above)." (Page 3 of the Office Action mailed on March 9, 2006.) The Appellant respectfully disagrees and maintains as stated before that in the system disclosed by Figure 4 and Paragraph [0027], Page 3 of Schlonski et al. the Administrator does not "surf" with a browser across a network to a management facility resident on a first imaging device, but directly enters and utilizes a management program on a workstation (the "imaging device" of the Examiner's rejection) to select an imaging device to manage and only then surfs across the network to the device to manage it. Therefore, Appellant continues to respectfully maintain that the management program of Schlonski et al. is not disclosed as being resident on the imaging device being configured, such that the Administrator is required to "surf" across a network with a browser to utilize the management program through the imaging device's embedded webserver and that the workstation ("imaging device") displaying the list of other imaging devices is also not disclosed as being configured itself by the management facility. *See*, Schlonski et al., Abstract; Figures 2-5; Paragraph 0027, Page 3; Paragraph 0030, Page 3; Paragraph 0032, Page 3; and Paragraph 0035, Page 3.

Appellant further respectfully maintains that the management facility resident on the workstation and the embedded webserver of a remote imaging device on the network of Schlonski et al. clearly cannot be a single entity, as the Examiner maintains, because this would require the modification of Schlonski et al. so that the Administrator's workstation and the one or more imaging devices to be the same single device and not a networked system. In addition, Appellant also maintains that even if the management facility resident on the workstation and an embedded webserver of a remote imaging device across the network are a single entity, which the Examiner maintains the Appellant has defined "imaging devices" as such (but which the Appellant disputes, as detailed above in the Preliminary Remarks), Appellant maintains that Schlonski et al. still does not disclose a system where the Administrator surfs to a management facility of an imaging device across a network or discloses a system that communicates a configuration change across a network from a web browser to a management facility resident on a first imaging device, wherein the management facility is accessible through a network interface and an embedded webserver of the first imaging device and displayed on the

browser or disclose storing of a list of other imaging devices on the network on the first imaging device accessed through the web browser and embedded webserver.

Appellant therefore respectfully submits that Schlonski et al. fails to teach or disclose a system that communicates a configuration change across a network to a management facility that is accessible through a network interface and an embedded webserver of a first imaging device, selects at least one other imaging device from a list of other imaging devices stored on the first imaging device and communicates the configuration change from the imaging device to the at least one other imaging device selected from the list of other imaging devices stored on the first imaging device. As such, Schlonski et al. fails to teach or disclose all elements of claims 11-13, 15-16, 19-22, as pending.

Appellant's claim 11, recites, "[a] method of configuring a plurality of imaging devices coupled to a network, the method comprising: communicating a configuration change from a browser across a network to a management facility on a first imaging device that is accessible through a network interface and an embedded webserver of the first imaging device; selecting at least one other imaging device from a list of other imaging devices stored on the first imaging device by communicating across the network from the browser to the management facility of the first imaging device; and communicating the configuration change from the first imaging device to the at least one other imaging device selected from the list of other imaging devices stored on the first imaging device." As detailed above, Appellant submits that Schlonski et al. fails to teach or disclose such a method of configuring a plurality of imaging devices coupled to a network. As such, Schlonski et al. fails to teach or disclose all elements of independent claim 11.

Appellant's claim 15, recites "[a] method of operating a plurality of imaging devices, the method comprising: communicating a configuration change by surfing across a network with a web browser to a management facility accessible through an embedded webserver of a first imaging device; processing the configuration change on the first imaging device, thereby generating a configuration on the first imaging device; and configuring one or more other imaging devices from the management facility of the first imaging device in response to the configuration change of the first imaging device,

wherein the one or more other imaging devices are selected from a list stored on the first imaging device." As detailed above, Appellant submits that Schlonski et al. fails to teach or disclose such a method of operating a plurality of imaging devices. As such, Schlonski et al. fails to teach or disclose all elements of independent claim 15.

Appellant's claim 21, recites "[a] computer-usable medium having computer readable instructions stored thereon for execution by a processor to perform a method comprising: processing a configuration change on a first imaging device, wherein the configuration change is received across a network via a management facility accessible through an embedded webserver of the first imaging device; referring to a list of other imaging devices on the network stored in the first imaging device; and configuring at least one imaging device selected from the list via the management facility of the first imaging device in response to the configuration change of the first imaging device." As detailed above, Appellant submits that Schlonski et al. fails to teach or disclose such a computer-usable medium and method. As such, Schlonski et al. fails to teach or disclose all elements of independent claim 21.

Appellant respectfully contends that claims 11, 15 and 21 as pending have been shown to be patentably distinct from the cited reference. As claims 12-13, 16, 19-20, and 22 depend from and further define claims 11, 15 and 21, respectively, they are also considered to be patentably distinct from the cited reference. In view of the foregoing, Appellant contends that claims 11-13, 15-16, 19-22 are patentably distinct from the cited reference.

(iv) Claim Rejections Under 35 U.S.C. § 103

Claims 1-4 and 8 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Schlonski et al. (U.S. Published Application No. 2002/0196451 A1) in view of Carcerano et al. (U.S. Patent No. 6,308,205 B1). Appellant respectfully traverses this rejection and submits that claims 1-4 and 8 are allowable for the following reasons.

Appellant respectfully maintains, as detailed above, that, in the system disclosed in Schlonski et al., the Administrator directly utilizes a management program on a workstation (the "imaging device" of the Examiner's rejection) and that therefore the

management program of Schlonski et al. is not disclosed as being resident on the imaging device being configured, such that the Administrator is required to "surf" across a network with a browser to utilize the management program through the imaging device's embedded webserver. In addition, Appellant also maintains, as above, that in Schlonski et al. the workstation ("imaging device") displaying the list of other imaging devices is also not disclosed as being configured itself by the management facility.

Appellant therefore respectfully submits, as above, that Schlonski et al. fails to teach or suggest an imaging device, comprising: a processor adapted for communication with a network using an embedded webserver; and a computer-usable media coupled to the processor; wherein the processor is adapted to store a configuration for the first imaging device on the computer-usable media, where the configuration is input by commands received across the network from a web browser to a management facility resident on the imaging device, such that the management facility is accessible from the network through the embedded webserver; wherein the processor is adapted to store a list of other imaging devices on the network on the computer-usable media; and wherein the processor is adapted to transmit the configuration of the first imaging device to a network address of at least one of the other imaging devices of the stored list. As such, Appellant therefore maintains that Schlonski et al. fails to teach or suggest all elements of claim 1.

In addition, Appellant respectfully maintains that, in the system disclosed in Carcerano et al., the Administrator utilizes a management program on a server and that therefore the management program of Carcerano et al. is not disclosed as being resident on the imaging device being configured, such that the Administrator is required to "surf" across a network with a browser to utilize the management program through the imaging device's embedded webserver. Appellant therefore respectfully submits that Carcerano et al. also fails to teach or an imaging device. *See*, Carcerano et al., Abstract; Figures 5 and 8A; Column 1, line 53 to Column 2, line 61. Therefore combining the elements of Schlonski et al. with Carcerano et al. fails to teach or suggest all elements of claim 1

Appellant respectfully contends that claim 1 as pending has been shown to be patentably distinct from the cited references, either alone or in combination. As claims 2-4 and 8 depend from and further define claim 1 they are also considered to be patentably distinct from the cited references. Accordingly, Appellant respectfully requests

withdrawal of the rejection under 35 U.S.C. § 103(a) of claims 1-4 and 8.

Claim 7 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Schlonski et al. (U.S. Published Application No. 2002/0196451 A1) in view of Carcerano et al. (U.S. Patent No. 6,308,205 B1), and further in view of Mathieson (U.S. Published Application No. 2002/0143915 A1). Appellant respectfully traverses this rejection and submits that claim 7 is allowable for the following reasons.

Appellant respectfully maintains, as stated above, that Schlonski et al. and Carcerano et al. fail to teach or suggest all elements of claim 1, from which claim 7 depends from. In addition, Appellant respectfully maintains that Mathieson discloses a print queue manager that allows a user or administrator to view and manage the jobs in multiple job queues at the same time. *See*, Mathieson, Abstract and Summary. Appellant therefore respectfully submits that combining the elements of Schlonski et al. and Carcerano et al. with Mathieson. fails to teach or suggest all elements of independent claim 1 and thus also fails to teach or suggest all elements of dependent claim 7, either alone or in combination.

Appellant respectfully contends that claim 1 as pending has been shown to be patentably distinct from the cited references, either alone or in combination. As claim 7 depends from and further defines claim 1 it is also considered to be patentably distinct from the cited references. Accordingly, Appellant respectfully requests withdrawal of the rejection under 35 U.S.C. § 103(a) of claim 7.

Claims 5-6 and 9-10 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Schlonski et al. (U.S. Published Application No. 2002/0196451 A1) in view of Carcerano et al. (U.S. Patent No. 6,308,205 B1), and further in view of Hawes (U.S. Patent No. 6,026,436). Appellant respectfully traverses this rejection and submits that claims 5-6 and 9-10 are allowable for the following reasons.

Appellant respectfully maintains, as stated above, that Schlonski et al. and Carcerano et al. fail to teach or suggest all elements of claim 1, from which claims 5-6 and 9-10 depend from. In addition, Appellant respectfully maintains that Hawes discloses a system where a configuration is copied from a template printer to a target printer via the users' web browser by accessing an embedded webserver of the template

printer and receiving a configuration form to post to the address of the target printer. Appellant therefore respectfully submits that Hawes fails to teach or suggest an imaging device adapted to store a configuration for the imaging device on a computer-usable media, where the configuration is input by commands received across a network by a management facility on the imaging device that is accessible through an embedded webserver, wherein the imaging device is adapted to store a list of other imaging devices on the network on the computer-usable media, and wherein the imaging device is adapted to transmit the configuration to a network address of at least one of the other imaging devices of the stored list. *See*, Hawes, Abstract and Summary; Figures 4 and 5; and Column 8, line 18 to Column 9, line 29. Appellant therefore respectfully submits that combining the elements of Schlonski et al. and Carcerano et al. with Hawes fails to teach or suggest all elements of independent claim 1, either alone or in combination and thus also fails to teach or suggest all elements of claims 5-6 and 9-10 that depend from and further define independent claim 1.

Appellant respectfully contends that claim 1 as pending has been shown to be patentably distinct from the cited references, either alone or in combination. As claims 5-6 and 9-10 depend from and further define claim 1 they are also considered to be patentably distinct from the cited references. Accordingly, Appellant respectfully requests withdrawal of the rejection under 35 U.S.C. § 103(a) of claims 5-6 and 9-10.

Claims 17-18 were rejected under 35 U.S.C. § 103(a) as being obvious over Schlonski et al. (U.S. Published Application No. 2002/0196451 A1) in view of Hawes (U.S. Patent No. 6,026,436). Appellant respectfully traverses this rejection and submits that claims 17-18 are allowable for the following reasons.

Appellant respectfully maintains, as stated above, that Schlonski et al. fails to teach or suggest all elements of claim 15, from which claims 17-18 depend. In addition, as stated above, Appellant respectfully maintains that Hawes discloses a system where a configuration is copied from a template printer to a target printer via the users' web browser by accessing an embedded webserver of the template printer and receiving a configuration form to post to the address of the target printer. Appellant therefore respectfully submits that combining the elements of Schlonski et al. with Hawes fails to

teach or suggest all elements of independent claim 15, either alone or in combination and thus also fails to teach or suggest all elements of claims 17-18 that depend from and further define independent claim 15.

Appellant respectfully contends that claim 15 has been shown to be patentably distinct from the cited references, either alone or in combination. As claims 17-18 depend from and further define claim 15 they are also considered to be patentably distinct from the cited references. Accordingly, Appellant respectfully requests withdrawal of the rejection under 35 U.S.C. § 103(a) of claims 17-18.

Claim 14 was rejected under 35 U.S.C. § 103(a) as being obvious over Schlonski et al. (U.S. Published Application No. 2002/0196451 A1) in view of Mixer Jr. (U.S. Patent No. 6,693,722 B1). Appellant respectfully traverses this rejection and submits that claim 14 is allowable for the following reasons.

Appellant respectfully maintains, as stated above, that Schlonski et al. fails to teach or suggest all elements of claim 11, from which claim 14 depends. In addition, Appellant respectfully maintains that Mixer, Jr. discloses an automatic configuration update system to update printer configuration changes to the communicating device/network interface. Appellant therefore respectfully submits that Mixer, Jr. fails to teach or suggest a system that communicates a configuration change across a network to a management facility that is accessible through a network interface and an embedded webserver of a first imaging device, selects at least one other imaging device from a list of other imaging devices stored on the first imaging device and communicates the configuration change from the imaging device to the at least one other imaging device selected from the list of other imaging devices stored on the first imaging device. *See*, Mixer, Jr., Abstract; Figures 1 and 2; and Column 1, line 25 to Column 2, line 53. Appellant therefore respectfully submits that combining the elements of Schlonski et al. with Mixer, Jr. fails to teach or suggest all elements of independent claim 11, either alone or in combination and thus also fails to teach or suggest all elements of claim 14 that depends from and further define independent claim 11.

Appellant respectfully contends that claim 11 as pending has been shown to be patentably distinct from the cited references, either alone or in combination. As claim 14

depends from and further defines claim 11 it is also considered to be patentably distinct from the cited references. Accordingly, Appellant respectfully requests withdrawal of the rejection under 35 U.S.C. § 103(a) of claim 14.

IX. Conclusion

Appellant has taught methods and apparatus for communicating a configuration change across a network 206, 210, 306, 310, 356, 360, 402, 404, 406 to a management facility resident on a first imaging device 200, 300, 350, 410, 416, wherein the management facility is accessible through a network interface and an embedded webserver 202, 302, 352 of the first imaging device and displayed on a browser 204, 304, 354, 408. The management facility of the Present Application allows the Administrator to configure the first imaging device 200, 300, 350, 410, 416 by communicating the configuration change to the management facility on the first imaging device 200, 300, 350, 410, 416. In addition, the management facility of the Present Application allows the Administrator to select at least one other imaging device 412, 414, 418 from a list of other imaging devices stored on the first imaging device 200, 300, 350, 410, 416 and communicate the configuration change, directly or indirectly, from the first imaging device 200, 300, 350, 410, 416 to the at least one other imaging devices 412, 414, 418 selected from the list of other imaging devices.

Appellant has demonstrated that the Specification of the Present Application discloses and enables the claims in such a manner to allow one of ordinary skill to make and use the invention. In addition, Appellant has also demonstrated that the references applied against the rejected claims do not teach or suggest, either expressly or inherently, each and every element as set forth in the claims. In particular, the references applied against the rejected claims, either alone or in combination, do not teach or suggest imaging devices having management facilities accessible through embedded webservers that allow for configuration of the imaging device and one or more other imaging devices selected from a list stored on the first imaging device, but merely purport to manage imaging devices with embedded webservers from a workstation.

For at least the reasons discussed above, Appellant submits that the pending claims are patentable. Accordingly, Appellant requests that the Board of Appeals reverse the Examiner's decisions regarding claims 1-22.

Respectfully submitted,

Date: 7/18/07

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APPENDIX A

Claims Involved in Appeal

1. An imaging device, comprising:

a processor adapted for communication with a network using an embedded webserver; and

a computer-usable media coupled to the processor;

wherein the processor is adapted to store a configuration for the imaging device on the computer-usable media, where the configuration is input by commands received across the network from a web browser to a management facility resident on the imaging device, such that the management facility is accessible from the network through the embedded webserver;

wherein the processor is adapted to store a list of other imaging devices on the network on the computer-usable media; and

wherein the processor is adapted to transmit the configuration to a network address of at least one of the other imaging devices of the stored list.

2. The imaging device of claim 1, wherein the processor is further adapted to discover the list of other imaging devices from the network.

3. The imaging device of claim 2, wherein discovering the list of other imaging devices from the network further comprises discovering only other imaging devices that are similar to the imaging device.

4. The imaging device of claim 1, wherein the management facility and embedded webserver are a function of the processor in response to computer-readable instructions stored on the computer-usable media.

5. The imaging device of claim 1, wherein the management facility and embedded webserver are adapted to process an upload of configuration selected from the group consisting of configuration parameters, configuration parameters with a

mask, firmware, software, supplemental information, configuration parameters from a network site, configuration parameters with a mask from a network site, firmware from a network site, software from a network site, and supplemental information from a network site.

6. The imaging device of claim 1, wherein the management facility and embedded webserver are adapted to download information selected from the group consisting of configuration parameters, configuration parameters with a mask, firmware, software, supplemental information, configuration parameters from a network site, configuration parameters with a mask from a network site, firmware from a network site, software from a network site, and supplemental information from a network site.

7. The imaging device of claim 1, wherein the management facility and embedded webserver are adapted to process an imaging device command selected from the group consisting of upgrade configuration parameters, upgrade firmware, upgrade software, upgrade supplemental information, online, offline, restart, reset, purge job, pause job, and manage job queue.

8. The imaging device of claim 1, wherein the configuration to be transmitted to the at least one of the other imaging devices is sourced from an originating network device that is selected from the group consisting of the imaging device, a local network site, a remote network site.

9. The imaging device of claim 1, wherein the configuration to be transmitted to the at least one of the other imaging devices is selected from the group consisting of configuration parameters, configuration parameters with a mask, firmware, software, and supplemental information.

10. The imaging device of claim 1, wherein the configuration to be transmitted to the at least one of the other imaging devices is sent via a protocol that is selected from

the group consisting of hypertext transport protocol (HTTP), hypertext transport protocol secure (HTTPS) protocol, printer markup language (PML), and a compatible imaging device communication protocol.

11. A method of configuring a plurality of imaging devices coupled to a network, the method comprising:

communicating a configuration change from a browser across a network to a management facility on a first imaging device that is accessible through a network interface and an embedded webserver of the first imaging device;

selecting at least one other imaging device from a list of other imaging devices stored on the first imaging device by communicating across the network from the browser to the management facility of the first imaging device; and

communicating the configuration change from the first imaging device to the at least one other imaging device selected from the list of other imaging devices stored on the first imaging device.

12. The method of claim 11, further comprising:

generating the list of other imaging devices; and

storing the list of other imaging devices in the first imaging device.

13. The method of claim 12, wherein generating the list of other imaging devices further comprises discovering a list of other imaging devices similar to the first imaging device.

14. The method of claim 11, further comprising:

translating the configuration change to a printer protocol compatible with the other imaging device prior to communicating the configuration change to that other imaging device.

15. A method of operating a plurality of imaging devices, the method comprising:

communicating a configuration change by surfing across a network with a web browser to a management facility accessible through an embedded webserver of a first imaging device;

processing the configuration change on the first imaging device, thereby generating a configuration on the first imaging device; and

configuring one or more other imaging devices from the management facility of the first imaging device in response to the configuration change of the first imaging device, wherein the one or more other imaging devices are selected from a list stored on the first imaging device.

16. The method of claim 15, wherein configuring the one or more other imaging devices further comprises communicating the configuration of the first imaging device to the one or more other imaging devices.

17. The method of claim 15, further comprising communicating the configuration change by uploading a baseline configuration selected from the group consisting of configuration parameters, configuration parameters with a mask, firmware, software, supplemental information, configuration parameters from a network site, configuration parameters with a mask from a network site, firmware from a network site, software from a network site, and supplemental information from a network site.

18. The method of claim 15, wherein processing the configuration change further comprises processing a command selected from the group consisting of upgrade configuration parameters, upgrade firmware, upgrade software, upgrade supplemental information, online, offline, restart, reset, purge job, pause job, and manage job queue.

19. The method of claim 15, wherein configuring the one or more other imaging devices further comprises communicating a configuration from an originating

network device that is selected from the group consisting of a local network site, and a remote network site.

20. The method of claim 19, wherein a network site is another imaging device.

21. A computer-usable medium having computer readable instructions stored thereon for execution by a processor to perform a method comprising:

processing a configuration change on a first imaging device, wherein the configuration change is received across a network via a management facility accessible through an embedded webserver of the first imaging device;

referring to a list of other imaging devices on the network stored in the first imaging device; and

configuring at least one imaging device selected from the list via the management facility of the first imaging device in response to the configuration change of the first imaging device.

22. The method of claim 21, further comprising configuring at least one imaging device from the list using a configuration of the first imaging device.

APPENDIX B

Evidence Appendix

There is no extrinsic evidence to be considered in this Appeal. Therefore, no evidence is presented in this Appendix.

APPENDIX C

Related Proceedings Appendix

There are no related proceedings to be considered in this Appeal. Therefore, no such proceedings are identified in this Appendix.